IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2586 OF 2004

Hiren Ramesh Vador ...Petitioner

Versus

Sou.Priti Hiren Vador & Ors. ...Respondents

.....

Mr.V.S.Kapse for Petitioner .

Mr.R.Y.Mirza, A.P.P. for Respondent No.3.

.....

**CORAM: A.M.KHANWILKAR, J.**

**FEBRUARY 3, 2005.**

**P.C.**

1. This Petition is filed for quashing of Application preferred by the Respondent wife for maintenance under Section 125 of the Criminal Procedure Code. I see no basis to entertain such relief. The relief of quashing can be in respect of criminal action. To justify this position, Counsel for the Petitioner submits that since summons has been issued in the said Application, the Petitioner is entitled to seek relief of

quashing. This submission does not commend to me. Not a case for interference. Rejected.

2. It is, however, made clear that rejection of this Petition is not an expression of opinion on the grounds taken in the Petition. Those aspects, if raised, will have to be considered on its own merits in accordance with law by the lower Court.

A.M.KHANWILKAR, J.